United Nations S/AC.44/2004/(02)/50/Add.1

Security Council

Distr.: General
27 December 2005
English
Original: Spanish

Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 23 December 2005 from the Permanent Mission of Cuba to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Cuba to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and, with reference to his letter dated 31 August 2005, has the honour to submit herewith Cuba's response to the matrix received (see annex), together with the following comments:

- Although the covering note accompanying the matrix is dated 31 August 2005, the Mission did not receive the matrix until 21 September 2005.
- Cuba does not object to the use of information it has supplied pursuant to international disarmament instruments to which it is a party by the Committee established pursuant to Security Council resolution 1540 (2004) in its examination of compliance with that resolution. However, for that exercise to be useful, the context in which the information has been provided must be respected, and the neutrality, objectivity and impartiality which must be the hallmark of the work of all United Nations organs must be preserved. Cuba wishes to point out that unnecessary duplication and overlap must be avoided, and that the mandate conferred on each body to carry out its functions must be adhered to, with the aim of preventing the de facto imposition of non-proliferation verification arrangements which erode the role and function of the systems emanating from existing treaties, including the role of such bodies as the International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons.
- Cuba confirms that it is a State free of any form of weapons of mass destruction or means of delivery. It will continue to be fully committed to the goal of general and complete disarmament and to non-proliferation in all its aspects.
- It should be noted that, in some cases, the titles of the various sections of the matrix do not correspond exactly with the terms appearing in resolution 1540 (2004), creating confusion for the respondents. Examples are some of the headings dealing with possession of nuclear, chemical or biological weapons

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and their means of delivery or the production of substances or materials which could be used for such purposes.

- The matrix received uses terms and concepts whose scope the Committee should further explain, because no clear definition of them exists. Examples include "catch-all clause", "intangible transfers" and "inclusion of technologies".

The Mission requests that this note and its annex should be circulated as documents of the Security Council.

Annex to the note verbale dated 23 December 2005 from the Permanent Mission of Cuba to the United Nations addressed to the Chairman of the Committee

OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

State: **Cuba**

Date of report: 28 October 2004

Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements?		*YES*	*If YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc.)*	*Remarks (information refers to the page of the English version of the report or an official website)*
1	General statement on non-possession of WMD	X	Cuba does not possess and has no intention of possessing weapons of mass destruction of any kind.	Page 2 of the report
2	General statement on commitment to disarmament and non-proliferation	X	Cuba reiterates its firm commitment to general and complete disarmament and to non-proliferation of weapons of mass destruction in qualitative and quantitative terms.	
3	General statement on non-provision of WMD and related materials to non-State actors	X	Cuba has not developed, and does not possess or intend to possess, weapons of mass destruction of any kind within its national defence strategy.	
4	Biological Weapons Convention (BWC)	X	Ratified on 21 June 1976	Pages 3 and 13 of the report
5	Chemical Weapons Convention (CWC)	X	Ratified on 29 April 1997	Page 13 of the report
6	Nuclear Non-Proliferation Treaty (NPT)	X	Ratified on 4 November 2002	Pages 3 and 13 of the report

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	Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements?	*YES*	*If YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc.)*	*Remarks (information refers to the page of the English version of the report or an official website)*
7	Comprehensive Nuclear-Test-Ban Treaty (CTBT)		-------	--------
8	Convention on Physical Protection of Nuclear Material (CPPNM)	X	Ratified on 26 October 1997	Page 13 of the report
9	Hague Code of Conduct (HCOC)		-------	-------
10	Geneva Protocol of 1925	X	Ratified on 24 June 1966	Page 13 of the report
11	International Atomic Energy Agency (IAEA)	X	Since 29 July 1957	Pages 3 and 13 of the report
12	Nuclear-Weapon-Free Zone/Protocol(s)	X	Treaty of Tlatelolco, ratified on 23 October 2002 Antarctic Treaty, 16 August 1984	Pages 3 and 13 of the report
13	Other conventions/treaties	X	Treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the seabed and the ocean floor and in the subsoil thereof, 3 June 1977.	-------
14	Other arrangements		-------	-------
15	Other	X	1. Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) 2. Party to 12 of the 13 United Nations international legal instruments against terrorism.	Page 3 of the report

OP 2 — Biological Weapons (BW)

State: **Cuba**

Date of report: 28 October 2004

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
1	Manufacture/produce	X	Ministry of Science, Technology and the Environment (CITMA) Decree-Law No. 190/1999, chapter II, Section 1, subparagraph (k) of article 4 Ministry of Science, Technology and the Environment (CITMA) resolution No. 2/2004, chapter 1, article 3	X	Act No. 93/2001, article 10	Pages 4 and 5 of the report
2	Acquire	X	Ministry of Science, Technology and the Environment (CITMA) Decree-Law No. 190/1999, chapter II, Section 1, subparagraph (k) of article 4 Ministry of Science, Technology and the Environment (CITMA) resolution No. 2/2004, chapter 1, article 3	X	Act No. 93/2001, article 10	
3	Possess	X		X	Act No. 93/2001, article 10	
4	Stockpile/store	X		X	Act No. 93/2001, article 10	
5	Develop	X	Ministry of Science, Technology and the Environment (CITMA) resolution No. 2/2004, chapter 1, article 3	X	Act No. 93/2001, article 10	

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
6	Transport	X	Ministry of Science, Technology and the Environment (CITMA) Decree-Law No. 190/1999, articles 1 and 3	X	Act No. 93/2001, article 10	Page 5 of the report
7	Transfer	X	Ministry of Science, Technology and the Environment (CITMA) resolution No. 2/2004, chapter 1, article 3	X	Act No. 93/2001, article 10, on supply, sale and sending	Pages 4 and 5 of the report
8	Use	X	Ministry of Science, Technology and the Environment (CITMA) Decree-Law No. 190/1999, articles 1 and 3 Ministry of Science, Technology and the Environment (CITMA) resolution No. 2/2004, article 3, subparagraphs (a) and (b)	X	Act No. 93/2001, article 10	
9	Participate as an accomplice in a.m. activities	X	Act No. 93/2001, fourth preambular clause	X	Act No. 93/2001, fourth preambular clause	Page 5 of the report
10	Assist in a.m. activities	X	Act No. 93/2001, fourth preambular clause	X	Act No. 93/2001, fourth preambular clause	Page 5 of the report
11	Finance a.m. activities	X	Act No. 93/2001, fourth preambular clause	X	Act No. 93/2001, fourth preambular clause	Page 5 of the report
12	A.m. activities related to means of delivery	X	Ministry of Science, Technology and the Environment (CITMA) decree-law No. 190/1999, chapter II, Section 1, subparagraph (k) of article 4	X	Act No. 93/2001, article 11	Pages 4 and 5 of the report

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
			Ministry of Science, Technology and the Environment (CITMA) resolution No. 2/2004, chapter 1, article 3			
13	Involvement of non-State actors in a.m. activities	X	Ministry of Science, Technology and the Environment (CITMA) decree-law No. 190/1999, chapter II, Section 1, subparagraph (k) of article 4 Ministry of Science, Technology and the Environment (CITMA) resolution No. 2/2004, chapter 1, article 3	X	Act No. 93/2001, article 10	
14	Other	X	-----	X	-----	

∞ **OP 2 — Chemical Weapons (CW)**

State: **Cuba**

Date of report: 28 October 2004

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
1	Manufacture/produce	X	Decree-Law No. 202/1999	X	Act No. 93/2001, article 10	Pages 4 and 5 of the report
2	Acquire	X	Decree-Law No. 202/1999, article 26a	X	Act No. 93/2001, article 10	
3	Possess	X	Decree-Law No. 202/1999, article 26a	X	Act No. 93/2001, article 10	Page 5 of the report
4	Stockpile/store	X	Decree-Law No. 202/1999	X	Act No. 93/2001, article 10	Pages 4 and 5 of the report
5	Develop	X	Decree-Law No. 202/1999			Pages 4 and 5 of the report
6	Transport	X	Decree-Law No. 202/1999	X	Act No. 93/2001, article 10	Page 5 of the report
7	Transfer	X	Decree-Law No. 202/1999, article 26d	X	Act No. 93/2001, article 10, on supply, sale and sending Agreement No. 5517/2005, thirteenth Executive Committee of the Council of Ministers (CECM)	Page 5 of the report
8	Use	X	Decree-Law No. 202/1999	X	Act No. 93/2001, article 11	Pages 4 and 5 of the report
9	Participate as an accomplice in a.m. activities	X	Decree-Law No. 202/1999, article 26c	X	Act No. 93/2001, fourth preambular clause	Page 5 of the report
10	Assist in a.m. activities	X	Decree-Law No. 202/1999, article 26d	X	Act No. 93/2001, fourth preambular clause	Page 5 of the report
11	Finance a.m. activities	X	Decree-Law No. 202/1999, article 26	X	Act No. 93/2001, fourth preambular clause	Page 5 of the report

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
12	A.m. activities related to means of delivery	X	Decree-Law No. 202/1999	X	Act No. 93/2001, article 10	
13	Involvement of non-State actors in a.m. activities	X	Decree-Law No. 202/1999, article 26	X	Act No. 93/2001, article 10	Pages 4 and 5 of the report
14	Other	X	-----		-----	

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OP 2 — Nuclear Weapons (NW)

State: **Cuba**

Date of report: 28 October 2004

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
1	Manufacture/produce	X	Nuclear energy may be used only for peaceful purposes; no activity is permitted unless circumstances are secure. Decree-Law No. 207/2000 on the use of nuclear energy	X	Act No. 62 (Penal Code), chapter IV Act No. 93/2001	Page 3 of the report.
2	Acquire	X	Decree-Law No. 207/2000	X	Act No. 62 (Penal Code), chapter IV	Page 3 of the report
3	Possess	X	Decree-Law No. 207/2000: other acts	X	Act No. 62 (Penal Code), chapter IV	Page 3 of the report
4	Stockpile/store	X	Decree-Law No. 207/2000	X	Act No. 62 (Penal Code), chapter IV	Page 3 of the report
5	Develop	X	Decree-Law No. 207/2000	X	Act No. 62 (Penal Code), chapter IV Act No. 93/2001	Page 3 of the report
6	Transport	X	Decree-Law No. 207/2000	X	Act No. 62 (Penal Code), chapter IV	Page 3 of the report
7	Transfer	X	Decree-Law No. 207/2000	X	Act No. 62 (Penal Code), chapter IV	Page 3 of the report
8	Use	X	Decree-Law No. 207/2000	X	Act No. 62 (Penal Code), chapter IV Act No. 93/2001	Page 3 of the report
9	Participate as an accomplice in a.m. activities	X	Decree-Law No. 208/1996	X	Act No. 62 (Penal Code), title V, chapter II	

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
10	Assist in a.m. activities	X	Decree-Law No. 208/1996	X	Act No. 62 (Penal Code), title V, chapter II	
11	Finance a.m. activities	X	Decree-Law No. 208/1996	X	Act No. 62 (Penal Code), title V, chapter II Act No. 93/2001	
12	A.m. activities related to means of delivery	X	not applicable		-----	
13	Involvement of non-State actors in a.m. activities	X	Decree-Law No. 208/1996	X	Act No. 62 (Penal Code), title V, chapter IV	Page 3 of the report
14	Other	X	-----		-----	

OP 3 (a) and (b) — Account for/Secure/Physically protect BW including Related Materials

State: **Cuba**

Date of report: 28 October 2004

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and others*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
1	Measures to account for production	X	CITMA resolution No. 2/2004	X	Act No. 93/2001, articles 10 and 11 State System of Accounting for and control of Biological Material	Pages 4 and 6-9 of the report
2	Measures to account for use	X		X		
3	Measures to account for storage	X		X		
4	Measures to account for transport	X	CITMA resolution No. 2/2004	X	Act No. 93/2001, article 10	
5	Other measures for accounting		-----		-----	
6	Measures to secure production	X	CITMA Decree-Law No. 190/1999 CITMA resolution No. 42/1999 CITMA resolution No. 8/2000 CITMA resolution No. 103/2000 CITMA resolution No. 112/2003		in progress	
7	Measures to secure use	X	CITMA Decree-Law No. 190/1999 CITMA resolution No. 42/1999 CITMA resolution No. 8/2000 CITMA resolution No. 103/2000 CITMA resolution No. 112/2003		in progress	

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
8	Measures to secure storage	X	CITMA Decree-Law No. 190/1999 CITMA resolution No. 42/1999 CITMA resolution No. 8/2000 CITMA resolution No. 103/2000 CITMA resolution No. 112/2003		in progress	
9	Measures to secure transport	X	1. Decree-Law No. 190/1999 2. CITMA resolution No. 2/2004 3. CITMA resolution No. 8/2000		Act No. 93, articles 10 and 11 Establishment of an administrative system for violations is in progress	Pages 4, 6 and 9 of the report.
10	Other measures for securing	X	CITMA Decree-Law No. 190/1999 CITMA resolution No. 2/2004 CITMA resolution No. 67/96: National Biosafety Centre to manage the National Biosafety System	X	Act No. 93/2001, articles 10 and 11	Pages 4, 6-9 and 14 of the report.
11	Regulations for physical protection of facilities/ materials/transports	X	CITMA Decree-Law No. 190/1999, article 12g CITMA resolution No. 2/2004, articles 8f and 9g Ministry of the Interior (MININT) Decree-Law No. 186/1998 Ministry of the Interior (MININT) resolution No. 2/2001	X	Act No. 93/2001, articles 10 and 11	Pages 4 and 6-9 of the report
12	Licensing/registration of facilities/persons handling biological materials	X	CITMA resolution No. 76/2000 CITMA resolution No. 2/2004	X	Act No. 93/2001, articles 10 and 11	Page 6 of the report

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and others*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
13	Reliability check of personnel	X	Ministry of the Interior (MININT) Decree-Law No. 186/1998 Ministry of the Interior (MININT) resolution No. 2/2001			
14	Measures to account for/secure/ physically protect means of delivery	X	Not applicable - no such measures exist			
15	Regulations for genetic engineering work	X	CITMA Decree-Law No. 190/1999 CITMA resolution No. 8/2000 CITMA resolution No. 76/2000 CITMA resolution No. 103/2002 CITMA resolution No. 112/2003 CITMA resolution No. 2/2004	X	Act No. 93/2001, articles 10 and 11	Page 6 of the report.
16	Other legislation/regulations related to safety and security of biological materials	X	CITMA Decree-Law No. 190/1999 CITMA resolution No. 112/2003 CITMA resolution No. 67/96: setting up the National Biosafety Centre	X	Act No. 93/2001, articles 10 and 11	Pages 6, 7 and 14 of the report.
17	Other		-----		-----	

OP 3 (a) and (b) — Account for/Secure/Physically protect CW including Related Materials

State: **Cuba**

Date of report: 28 October 2004

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and others*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
1	Measures to account for production	X	Decree-Law No. 202/1999, chapter IV	X	Act No. 93/2001, chapter I, articles 10 and 11	Pages 7, 10 and 15 of the report.
2	Measures to account for use	X	CITMA Resolution No. 32/2003	X		
3	Measures to account for storage	X	Resolution No. 159/95	X		
4	Measures to account for transport	X	CITMA resolution No. 32/2003, article 19b	X		Refers to transfers
5	Other measures for accounting	X	CITMA resolution No. 32/2003, article 32f	X		
6	Measures to secure production		Not applicable - Cuba does not possess chemical weapons.			
7	Measures to secure use		Not applicable - Cuba does not possess chemical weapons.			
8	Measures to secure storage	X	CITMA resolution No. 87/99			Page 15 of the report.
9	Measures to secure transport	X	CITMA resolution No. 87/99 Ministry of Transport (MITRANS) and Ministry of the Interior (MININT) resolution No. 1/96			Page 15 of the report.
10	Other measures for securing	X	Decree-Law No. 202/1999 Decree-Law No. 107/88 Decree-Law No. 154/94 Ministry of Public Health (MINSAP) resolution No. 67/96	X	Act No. 93/2001, chapter I, articles 10 and 11	Pages 7, 10 and 15 of the report.

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and others*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
11	Regulations for physical protection of facilities/ materials/transports	X	MININT Decree-Law No. 186/1998 MININT resolution No. 2/2001			
12	Licensing of chemical installations/entities/use of materials	X	Decree-Law No. 202/1999 CITMA resolution No. 32/2003 Resolution No. 159/95	X	Act No. 93/2001, chapter I, articles 10 and 11	Pages 7, 10 and 15 of the report.
13	Reliability check of personnel	X	MININT Decree-Law No. 186/1998 MININT resolution No. 2/2001			
14	Measures to account for/secure/ physically protect means of delivery		Not applicable - Cuba does not possess chemical weapons.			
15	National CWC authority	X	National Authority for the prohibition of chemical weapons (Agreement No. 3150/97 of the Executive Committee of the Council of Ministers and CITMA resolution No. 35/98)			Page 15 of the report.
16	Reporting Schedule I, II and III chemicals to OPCW	X	Annual declarations.			Page 14 of the report.
17	Account for, secure or physically protect old chemical weapons		Not applicable - Cuba does not possess chemical weapons.			
18	Other legislation/regulations controlling chemical materials	X	CITMA resolution No. 15/2003 on inspections	X	Agreement No. 5517/2005 of the Executive Committee of the Council of Ministers (CECM) (fourteenth)	Page 10 of the report.

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and others*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
19	Other		-----	X	Two routine inspections by the Organization for the Prohibition of Chemical Weapons (OPCW) in 2003	Page 14 of the report.

OP 3 (a) and (b) — Account for/Secure/Physically protect NW including Related Materials

State: **Cuba**

Date of report: 28 October 2004

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and others*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
1	Measures to account for production	X	Decree No. 208/1996 on the State System of Accounting for and Control of Nuclear Material CITMA resolution No. 62/96 establishing rules for accounting and control of nuclear material Decree No. 208/1996	X	Act No. 62 (Penal Code), articles 185 and 186	Pages 3, 6, 8 and 16 of the report
2	Measures to account for use	X		X		
3	Measures to account for storage	X		X		
4	Measures to account for transport	X		X		
5	Other measures for accounting	X	Decree No. 208/1996 CITMA resolution No. 62/96	X	Act No. 62 (Penal Code), articles 185 and 186: transfer, removal, diversion, receipt	Pages 3 and 6 of the report
6	Measures to secure production	X	Decree No. 208/1996 CITMA resolution No. 62/96			
7	Measures to secure use	X	Decree No. 208/1996 CITMA resolution No. 62/96 System of Accounting for and Control of Nuclear Material (SNCC)	X	Act No. 62 (Penal Code), articles 185 and 186	Pages 3 and 6 of the report
8	Measures to secure storage	X	Decree No. 208/1996 CITMA resolution No. 62/96 System of Accounting for and Control of Nuclear Material (SNCC)	X	Act No. 62 (Penal Code), articles 185 and 186	

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
9	Measures to secure transport	X	CITMA resolution No. 121/2000 rules for safe transportation of radioactive materials	X	Act No. 62 (Penal Code), articles 185 and 186	
10	Other measures for securing		-----	X	Act No. 62 (Penal Code), articles 185 and 186: transfer, removal, diversion, receipt	Pages 3 and 6 of the report
11	Regulations for physical protection of facilities/ materials/transports	X	MININT decree-law No. 186/1998 MININT resolution No. 2/2001 Consult MININT			Page 8 of the report
12	Licensing of nuclear installations/entities/use of materials	X	Decree No. 208/1996 CITMA resolution No. 62/96 System of Accounting for and Control of Nuclear Material - production and transfer	X	Act No. 62 (Penal Code), articles 185 and 186	Pages 3, 6 and 8 of the report
13	Reliability check of personnel	X	MININT decree-law No. 186/1998 MININT resolution No. 2/2001			
14	Measures to account for/secure/ physically protect means of delivery		not applicable			
15	National regulatory authority	X	Decree-Law No. 207/2000 CITMA resolution No. 64/2000 National Nuclear Safety Centre			Page 3 of the report

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and others*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
16	IAEA Safeguards Agreements	X	Safeguards Agreement in force since 3 June 2004. Additional Protocol in force since 3 June 2004.			Page 13 of the report *http://www.iaea.org/OurWork/SV/Safeguards/sir_table.pdf*
17	IAEA Code of Conduct on Safety and Security of Radioactive Sources	X	Cuba has expressed its support to the IAEA Director-General and steps are being taken to adopt the Code. Cuba has also taken part in the meetings held to draw up the supplementary Guidance on the Import and Export of Radioactive Sources.			http://www-ns.iaea.org/downloads/rw/mee
18	IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources	X	Cuba contributes to the Programme's database.			*http://www.iaea.org/About/Policy/GC/GC42/Documents/gc42-17.html*
19	Other agreements related to IAEA	X	Revised Supplementary Agreement Concerning the Provision of Technical Assistance by the IAEA, 13 July 1993			
20	Additional national legislation/ regulations related to nuclear materials including CPPNM	X	Regulations for the physical protection of nuclear materials under preparation. Cuba is a State Party to the Convention on the Physical Protection of Nuclear Material.	X	Decree-Law No. 186/1998 MININT resolution No. 2/2001 Convention on the Physical Protection of Nuclear Material (IAEA)	
21	Other		-----		-----	

OP 3 (c) and (d) and related matters from OP 6 and OP 10 — Controls of BW including Related Materials

State: **Cuba**

Date of report: 28 October 2004

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
1	Border control		Under way	X	National customs service (AGR)	Page 9 of the report
2	Technical support of border control measures		Under way			
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	Decree-Law No. 190/1999 CITMA resolution No. 2/2004 CITMA resolution No. 76/2000	X	Act No. 93/2001 Act No. 62 (Penal Code), articles 185 and 186	Pages 5 and 6 of the report
4	Enforcement agencies/authorities		Under way	X	National customs service	Page 9 of the report
5	Export control legislation in place	X	Decree-Law No. 190/1999 CITMA resolution No. 2/2004 CITMA resolution No. 76/2000	X	Act No. 93/2001, chapter I, articles 10 and 11	Pages 6 and 9 of the report
6	Licensing provisions	X	Decree-Law No. 190/1999 CITMA resolution No. 2/2004 CITMA resolution No. 76/2000		Violations being addressed	
7	Individual licensing		Not applicable			
8	General licensing	X	Decree-Law No. 190/1999 CITMA resolution No. 2/2004 CITMA resolution No. 76/2000		Violations being addressed	
9	Exceptions from licensing		None			

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Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
10	Licensing of deemed export/visa	X	Decree-Law No. 190/1999 CITMA resolution No. 2/2004 CITMA resolution No. 76/2000 Not for visas			
11	National licensing authority	X	National Biosafety Centre			
12	Interagency review for licences	X	Under way with the national customs service			
13	Control lists	X	CITMA resolution No. 2/2004 CITMA resolution No. 42/99, giving the list of biological agents A new list for inclusion in the harmonized product classification system is being drawn up with the national customs service.		Under way	Pages 6 and 9 of the report
14	Updating of lists	X	CITMA resolution No. 42/99 is being updated			
15	Inclusion of technologies		-----		-----	
16	Inclusion of means of delivery		Not applicable		-----	
17	End-user controls	X	Decree-Law No. 190/1999 CITMA resolution No. 2/2004 Only for end-users in Cuba			
18	Catch all clause		-----		-----	
19	Intangible transfers		-----		-----	
20	Transit control		-----			
21	Trans-shipment control		-----			
22	Re-export control		-----			

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
23	Control of providing funds		-----			
24	Control of providing transport services		-----			
25	Control of importation	X	Decree-Law No. 190/1999 CITMA resolution No. 2/2004 CITMA resolution No. 76/2000	X	Act No. 93/2001, chapter I, articles 10 and 11	Pages 6 and 9 of the report
26	Extraterritorial applicability		Not applicable			
27	Other	X	Decree-Law No. 165, chapter VIII, section 2, article 33: the regulations also apply to free zones and industrial parks.	X	Act No. 93/2001, chapter I, articles 10 and 11	Pages 3, 5 and 6 of the report

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OP 3 (c) and (d) and related matters from OP 6 and OP 10 — Controls of CW including Related Materials

State: **Cuba**

Date of report: 28 October 2004

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
1	Border control	X	Ministry of Foreign Trade (MINCEX) resolution No. 231/2004 National Statistical Office (ONE) resolution No. 1/2005 Ministry of Foreign Trade (MINCEX) resolution No. 339/2005	X	Act No. 93/2001, article 10 Agreement No. 5517/2005, Executive Committee of the Council of Ministers (CECM) (thirteenth) Ministry of Foreign Trade (MINCEX) resolution No. 550/2004	Page 10 of the report
2	Technical support of border control measures	X	National customs service resolution No. 19/2002: standards for customs clearance of goods, articles 15b), 24f) and 66e) Customs Decree-Law No. 162, articles 48 and 49	X	Decree 277 on administrative customs violations	
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology		MINCEX resolution No. 190/2001, regulation on import and export activities MINCEX resolution No. 231/2004 MINCEX resolution No. 339/2005	X	Act No. 93/2001 Act No. 62 (Penal Code), articles 185 and 186 Agreement No. 5517/2005, Executive Committee of the Council of Ministers (CECM) (thirteenth) MINCEX resolution No. 550/2004	Pages 5 and 6 of the report

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
4	Enforcement agencies/authorities	X	National customs service, CITMA, MINCEX, National Statistical Office (ONE) MINCEX resolution No. 231/2004			Page 10 of the report
5	Export control legislation in place	X	CITMA resolution No. 32/2003 National Statistical Office resolution No. 1/2005 MINCEX resolution No. 231/2004 MINCEX resolution No. 190/2001, regulation on import and export activities	X	Act No. 93/2001, chapter I, articles 10 and 11 Act No. 59/87 (Civil Code), articles 10 and 11 Act No. 7/77 Agreement No. 5517/2005, Executive Committee of the Council of Ministers (CECM) (thirteenth) MINCEX resolution No. 550/2004	Pages 7, 10 and 11 of the report
6	Licensing provisions		CITMA resolution No. 32/2003	X	Act No. 93/2001, chapter I, articles 10 and 11	Pages 7 and 10 of the report
7	Individual licensing		Not applicable: licences in Cuba are awarded not to individuals, but to natural or legal persons representing the above.			
8	General licensing	X	CITMA resolution No. 32/2003	X	Act No. 93/2001, article 10 Executive Committee of the Council of Ministers (CECM) Agreement No. 5517/2005	

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
9	Exceptions from licensing	X	CITMA resolution No. 32/2003	X	Act No. 93/2001, article 10 Executive Committee of the Council of Ministers (CECM) Agreement No. 5517/2005	
10	Licensing of deemed export/visa	X	CITMA resolution No. 32/2003	X	Act No. 93/2001, article 10 Executive Committee of the Council of Ministers (CECM) Agreement No. 5517/2005	
11	National licensing authority	X	Decree-Law 202/1999, article 6 CITMA resolution No. 32/2003	X	Act No. 93/2001, article 10 Executive Committee of the Council of Ministers (CECM) Agreement No. 5517/2005	Page 5 of the report
12	Interagency review for licences		National customs service Decree-Law No. 162/96 on customs		Decree No. 207/96 on administrative customs violations	
13	Control lists	X	National Statistical Office (ONE) resolution No. 52: the chemicals figuring on the Chemical Weapons Convention lists are in the national customs service harmonized product classification system. National Statistical Office (ONE) resolution No. 1/2005			Pages 10 and 15 of the report

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
14	Updating of lists		Not applicable: controlled substances are listed in the Chemical Weapons Convention			
15	Inclusion of technologies		-----			
16	Inclusion of means of delivery		Not applicable - Cuba does not possess chemical weapons			
17	End-user controls	X	CITMA resolution No. 32/2003, article 26 Decree-Law No. 202/99, article 26e	X	CITMA resolution No. 32/2003, article 26 Agreement No. 5517/2005, Executive Committee of the Council of Ministers (CECM) (thirteenth)	Page 5 of the report
18	Catch all clause		-----		-----	
19	Intangible transfers		-----		-----	

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
20	Transit control	X	CITMA resolution No. 32/2003 National customs service resolution No. 21/2005: standards for implementation of customs transit arrangements	X	Act No. 93/2001, chapter I, articles 10 and 11 Act No. 59/87 (Civil Code) Act No. 7/77 Decree-Law No. 200/99 (environment) Agreement No. 5517/2005, Executive Committee of the Council of Ministers (CECM) (thirteenth) Decree-Law No. 277 on administrative customs violations	Pages 7, 10 and 11 of the report
21	Trans-shipment control	X	National customs service resolution No. 6/1997: standards for control of trans-shipment arrangements	X	Decree-Law No. 277 on administrative customs violations	
22	Re-export control	X	CITMA resolution No. 32/2003	X	Act No. 93/2001, chapter I, articles 10 and 11 Act No. 59/87 (Civil Code) Act No. 7/77 Decree-Law No. 200/99 (environment) Agreement No. 5517/2005, Executive Committee of the Council of Ministers (CECM) (thirteenth)	Pages 7, 10 and 11 of the report
23	Control of providing funds		Not applicable			

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
24	Control of providing transport services		Not applicable			
25	Control of importation	X	CITMA resolution No. 32/2003 Resolutions No. 268/90 and 181/95 MINCEX resolution No. 190/2001, regulation on import and export activities MINCEX resolution No. 339/2005 MINCEX resolution No. 231/2004		Act No. 93/2001, chapter I, articles 10 and 11 MINCEX resolution No. 550/2004	Pages 7, 10 and 11 of the report
26	Extraterritorial applicability		Not applicable			
27	Other	X	Decree-Law No. 165, chapter VIII, section 2, article 33: the regulations also apply to free zones and industrial parks			Pages 3 and 5 of the report

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OP 3 (c) and (d) and related matters from OP 6 and OP 10 — Controls of NW including Related Materials

State: **Cuba**

Date of report: 28 October 2004

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
1	Border control	X	Harmonized product classification system	X	Act No. 62 (Penal Code)	
2	Technical support of border control measures		-----		-----	
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology		Not applicable: Cuba does not produce or export such goods or technology.	X	Act No. 93/2001 Act No. 62 (Penal Code), articles 185 and 186	Pages 5 and 6 of the report
4	Enforcement agencies/authorities	X	National customs service, CITMA, Ministry of Foreign Trade, National Statistical Office	X	National customs service	
5	Export control legislation in place	X	Decree No. 208/1996 CITMA Resolution No. 62/96, chapter III, export authorization			Pages 3 and 8 of the report
6	Licensing provisions	X	Decree No. 208/1996 CITMA Resolution No. 62/96, chapter III, import and export authorization			Pages 3 and 8 of the report
7	Individual licensing		Not applicable: no such individual licences are issued			
8	General licensing	X	Decree No. 208/1996 CITMA resolution No. 62/96, chapter III: import and export authorization	X	Act No. 62 (Penal Code), articles 185 and 186	

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
9	Exceptions from licensing		None.	X	Act No. 62 (Penal Code), articles 185 and 186	
10	Licensing of deemed export/visa	X	Decree-law No. 207/2000 Decree No. 208/1996 CITMA resolution No. 62/96	X	Act No. 62 (Penal Code), articles 185 and 186	
11	National licensing authority	X	Decree No. 208/1996 Decree-law No. 207/2000 CITMA resolution No. 62/96 National Nuclear Safety Centre			
12	Interagency review for licences	X	Proceedings with the national customs service			
13	Control lists	X	CITMA resolution No. 62/96 establishes a list of important equipment and components			Page 11 of the report
14	Updating of lists		-----			
15	Inclusion of technologies		Not applicable.			
16	Inclusion of means of delivery		Not applicable.			
17	End-user controls	X	Within the country, Decree No. 208/1996 CITMA resolution No. 62/96			
18	Catch all clause	X	-----			
19	Intangible transfers	X	-----			

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
20	Transit control	X	National customs service resolution No. 21/2005: standards for implementation of customs transit arrangements	X	Decree 277 on administrative customs violations	
21	Trans-shipment control	X	National customs service resolution No. 6/1997: standards for control of trans-shipment arrangements	X	Decree 277 on administrative customs violations	
22	Re-export control	X	National customs service resolution No. 19/2002: standards for customs clearance of goods	X	Decree 277 on administrative customs violations	
23	Control of providing funds		-----		-----	
24	Control of providing transport services		-----		-----	
25	Control of importation	X	Decree No. 208/1996 CITMA resolution No. 62/96 chapter III: import authorization	X	Act No. 62 (Penal Code), articles 185 and 186	Pages 3 and 8 of the report
26	Extraterritorial applicability	X	Act No. 93/2001, chapter I	X	Act No. 93/2001, chapter I	
27	Other	X	-----		-----	

OP 6, 7 and 8 (d) — Control lists, Assistance, Information

State: **Cuba**

Date of report: 28 October 2004

Can information be provided on the following issues?		*YES*		*Remarks*
1	Control lists — items (goods/equipment/materials/ technologies)	X	CITMA resolutions No. 53/2000 and No. 87/99 on the lists of hazardous waste CITMA resolution No. 42/99 on the list of biological agents CITMA resolution No. 2/2004 on rules for accounting and control of biological material, equipment and related technology Chemicals included in the Chemical Weapons Convention, contained in the annex to Decree-Law 202/99	Pages 6, 11 and 15 of the report.
2	Control lists — other			
3	Assistance offered	X	Willing to use experience to contribute to the implementation of the Chemical Weapons Convention, State systems of accounting for and control of nuclear material, as well as the Biological Weapons Convention, in Latin America and the Caribbean. An offer of assistance was made in accordance with article X, paragraph 7, subparagraph (c) of the Chemical Weapons Convention, proposing up to five toxicologists if requested to assist a State Party to the Convention. This is confirmed in a document sent to the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons. Assistance with summer courses, in coordination with IAEA.	Page 12 of the report.
4	Assistance requested		-----	
5	Assistance in place (bilateral/ plurilateral/multilateral)		-----	
6	Information for industry	X	Cooperation with industry is conducted through seminars, conferences, workshops, academic courses and inspections.	Page 16 of the report.
7	Information for the public	X	Publication of legislation on nuclear matters in the Official Gazette. Dissemination of information on chemicals through the media, as part of a public information strategy. Inclusion in curriculums of study of information on the Biological Weapons Convention and the Chemical Weapons Convention.	Pages 16 and 17 of the report.